

**DRAFT 6/30/17 – SUBJECT TO CHANGE**  
**For Review and Adoption by the Council at the July 27, 2017 Meeting**

**DELTA STEWARDSHIP COUNCIL**  
**Thursday, June 22, 2017**  
**Holiday Inn**  
**300 J Street, Sacramento, CA 95814**

**MEETING SUMMARY**

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**1. Welcome and Introductions**

The meeting was called to order at 8:10 a.m., June 22, 2017, by Chair Randy Fiorini.

**2. Roll Call – Establish a Quorum (Water Code §85210.5)**

Roll call was taken and a quorum was established. The following members were present: Patrick Johnston, Ken Weinberg, Susan Tatayon, Randy Fiorini, and Skip Thomson. The following member was absent: Mike Gatto.

**3. Closed Executive Session – (Not open to the public) (Action Item)**

*The Council may discuss litigation matters pursuant to Government Code §11126 (e)(2)(a), (e)(2)(B)(i), and/or (e)(2)(C)(i), including: (a) Delta Stewardship Council Cases, Coordinated Proceeding JCCP No. 4758, and (b) Bracewell Engineering Inc., et al., v. Delta Stewardship Council, et al., Sacramento County Superior Ct. No. 34-2015-80002178.*

The Closed Session (Litigation) convened at 8:15 a.m. and adjourned at 9:10 a.m., with Chair Fiorini presiding.

**4. Reconvene Open Session**

Upon adjournment of the Closed Session, the Delta Stewardship Council (Council) reconvened in Open Session at 9:15 a.m.; Chair Fiorini said he had nothing to report from the Closed Session. Chair Fiorini welcomed all who were in attendance.

**5. Acceptance of Draft Amendment of Delta Plan Revisions for Conveyance, Storage Systems, and the Operation of Both (Action Item)**

Chair Fiorini called on Executive Officer Jessica Pearson to introduce Item 5. Ms. Pearson began her remarks by noting that the item before the Council represented a milestone. She said it was built on two years of discussion, analysis, and public input about how the Council should approach its requirement to promote options for conveyance, storage systems, and the operation of both (CSO) to achieve the coequal goals. It also is another step toward fulfilling a commitment in the 2013 Delta Plan. Ms. Pearson summarized the changes in the June draft, including better integration of existing recommendations, laws, and requirements; improved regional self-reliance;

additional language addressing the shortcomings of a storage-only approach to achieve the coequal goals; and clear statements regarding construction impacts and protecting legacy communities.

Ms. Pearson said staff was before the Council to present, receive additional guidance, hear from the public, and to ask for the Council's vote to move to the next step of analysis and expert scientific review.

The staff report for Agenda Item 5 is posted on the Council's website at <http://deltacouncil.ca.gov/docs/delta-stewardship-council-june-22-2017-meeting-agenda-item-5-acceptance-draft-amendment-delta>; Attachment 1, Draft Delta Plan Amendment for Conveyance, Storage Systems, and the Operation of Both, June 2017 is posted at <http://deltacouncil.ca.gov/docs/delta-stewardship-council-june-22-2017-meeting-agenda-item-5-attachment-1-draft-delta-plan>; Attachment 2, Draft Delta Plan Amendment for Conveyance, Storage Systems, and the Operation of Both, June 2017 (showing track changes) is posted at <http://deltacouncil.ca.gov/docs/delta-stewardship-council-june-22-2017-meeting-agenda-item-5-attachment-2-draft-delta-plan>; Attachment 3, Summary of Council Comments on the Delta Plan Amendment for Conveyance, Storage Systems, and the Operation of Both from the May 25, 2017 Delta Stewardship Council Meeting is posted at <http://deltacouncil.ca.gov/docs/delta-stewardship-council-june-22-2017-meeting-agenda-item-5-attachment-3-summary-council-0>; Attachment 4, Issues Raised in Environmental Justice Comments on the Notice of Preparation for the Delta Plan Amendments Program Environmental Impact Report is posted at <http://deltacouncil.ca.gov/docs/delta-stewardship-council-june-22-2017-meeting-agenda-item-5-attachment-4-issues-raised>; Attachment 5, Timeline of Major Conveyance, Storage and Operations is posted at <http://deltacouncil.ca.gov/docs/delta-stewardship-council-june-22-2017-meeting-agenda-item-5-attachment-5-timeline-major>; and Attachment 6, CEQA Process Summary for Delta Plan Amendments is posted at <http://deltacouncil.ca.gov/docs/delta-stewardship-council-june-22-2017-meeting-agenda-item-5-attachment-6-ceqa-process-summary>.

Anthony Navasero introduced Kari Shively with the Stantec consulting team and Ellen Garber of Shute, Mihaley & Weinberger. Mr. Navasero presented an overview of the item with a PowerPoint presentation that is posted at <http://deltacouncil.ca.gov/docs/delta-stewardship-council-june-22-2017-meeting-agenda-item-5-presentation-draft-amendment-delta>.

Ms. Shively began by reviewing some of the changes made to the draft since the last meeting beginning with comments from Council members, some of which were echoed in comment letters and verbal comments at the last meeting. Ms. Shively referenced Attachment 1 when describing the changes in the draft. Ms. Shively referenced Attachment 3 when she described the summary of Council comments and concerns that were raised at the last meeting and how they were addressed.

Ms. Shively briefed the Council on the major themes and reviewed the responses to comments from Council members. These included concerns related to potential impacts to the Delta from conveyance and storage projects and their operations; impacts to

groundwater supply, water quality, and legacy communities; reduced reliance on the Delta and improved regional self-reliance; and that the amendment emphasized dual conveyance over other options, including those related to storage and operations. She said revisions also were made throughout the document in response to comments from the May Council meeting, State agencies, non-governmental organizations and the public related to adaptive management and monitoring; drought water operation strategy; Delta as a Place; and environmental justice concerns.

Ms. Pearson invited Lead Scientist Dr. Cliff Dahm to provide information about the effects of salinity on the yield of Delta crops. Dr. Dahm highlighted the voluminous amount of literature on the topic; how crop yields are affected by salinity has been studied worldwide. Dr. Dahm said he found two recent peer review papers related to the Delta and briefly discussed the results of the papers as they relate to the wording in the amendment “how to avoid or mitigate effects on agriculture.” The data shown in both reports pointed out that the crop impacts depend on the type of crop and listed some of the most sensitive crops to salinity. One of the papers concluded that salinity may have a much lower economic effect on crops than fallowing and habitat development. Dr. Dahm said that salinity that goes above the units he described could have an adverse effect on crop yield.

Member Weinberg noted that the conditions of salinity are primarily in the south Delta and asked Dr. Dahm where the sensitive types of crops were primarily grown. Dr. Dahm responded they are mostly in the north Delta. Related to intakes, Member Weinberg asked that if the point where fresh water and salt water meet has been moving up into the Delta and if/when intakes are placed in the north Delta, would that impede flow, causing the point to move further into the Delta – absent sea level rise and climate change? Ms. Pearson noted that the Council wasn’t suggesting where intakes should be located and that might be better discussed with the project proponent.

Member Thomson spoke of impeded flows out of the north Delta noting they would not be available to flush the system. Chair Fiorini said the subject would be discussed when the performance measures were discussed. Ms. Pearson added that any change in the regulatory standard for salinity would be up to the State Water Resources Control Board (Water Board). Dr. Dahm added if flows were decreased in the Delta, salinity would certainly increase in the western and southern Delta as salinity is increased in low-flow conditions and operations must be adjusted to account for it.

Member Johnston asked Ms. Shively if reduced reliance on the Delta was defined or described in the amendment. Ms. Shively replied that regional self-reliance was defined. Ms. Pearson suggested adding a definition for reduced reliance on the Delta. Ms. Pearson read the language of WR P1 and suggested that a summary of the definition could be added to the amendment. There was discussion regarding whether or not a summary would be sufficient. Member Johnston requested the entire definition and the Council agreed.

Vice Chair Tatayon said at the May 25 meeting, from the panel discussion on which Michael Brodsky, Osha Meserve, Jason Peltier, and Lester Snow participated, she

heard that the Council is headed in the right direction on the amendment. Ms. Meserve acknowledged that the staff had recognized, acknowledged, and accepted many of her comments. Vice Chair Tatayon said the current version of the amendment had improved since the February version, showing that staff was listening carefully. Vice Chair Tatayon said she liked how integration was emphasized and noted it was unfortunate that the legislation had conveyance come first in the order of the three major factors in managing California's water supply. That being the case, she wanted to remind people that we are emphasizing conveyance, storage, and the operation of both and the Council is looking to integrate the methods of managing the State's water supply. She also thought that staff captured many of the comments from the Council members and she was satisfied with the current draft.

Member Thomson restated his request to change the wording on page 17 to delete "eliminate the potential" and just say "has the potential".

Ellen Garber discussed the next steps for the CSO draft amendment, should it be approved, described the purpose of an Environmental Impact Report (EIR) and discussed the California Environmental Quality Act (CEQA) process. The next step would be to prepare an EIR. The steps are illustrated in Attachment 6, CEQA Process Summary for Delta Plan Amendments.

Member Johnston asked what the potential alternatives were that would be analyzed in the environmental review. Ms. Garber responded that generally, the preparers of the EIR consider comments from the scoping period about proposed alternatives and other comments, and would then come up with a range. The only other qualification for an alternative is that it must at least reduce one significant impact of the proposed project. The staff would be looking at alternatives that have an environmental advantage of one sort or another.

Ms. Pearson added that the amendment as proposed is essentially a portfolio of recommendations and other alternatives would be portfolios of other slightly different recommendations. Ms. Garber added that all alternatives must be feasible and must achieve most of what the project is attempting to achieve. Member Johnston said that presumably the alternatives would not be selected if they would be viewed as impracticable. Ms. Garber said that CEQA has a two-step review process and sometimes something that was found to be feasible on its face later becomes infeasible. Member Johnston clarified that an isolated facility, dual conveyance, and through Delta conveyance have been examined and debated for a long time; the EIR will presumably look at those three options in some feasible form. Ms. Garber and Chief Counsel Bethany Pane said that was the case.

Regarding feasibility and CEQA, Member Thomson asked if a cost benefit analysis would be considered. Ms. Garber responded that CEQA has a definition in the alternatives section of the guidelines of feasibility and cost, and they are pertinent to feasibility. Cost benefit is not pertinent because it is a weighing process and a policy decision outside of CEQA.

Member Weinberg asked if a no-project alternative would be included and Ms. Garber said yes. Member Weinberg said he felt it was important to point out that this was a programmatic document and it is strictly related to the Delta Plan and its policies with no relationship to actually building something. Ms. Garber said that was correct, it is like a plan and a plan for other entities to come to the Council to certify consistency with the Delta Plan, however, it is not project specific. Ms. Pane added that what was done in the 2013 EIR for the Delta Plan was a similar approach in which the EIR would analyze recommendations as if they are fully complied with at a programmatic level in order for the impact effects analysis to be sound.

Ms. Pearson noted that she attended the Delta Independent Science Board (Delta ISB) meeting and formally asked for their review of the amendment, which would begin as soon as possible after the June Council meeting and culminate around the end of August. She said the Delta ISB would be considering if the body of science used to develop the CSO amendment is relevant and complete; if important scientific literature is missing; and if scientific findings support the introduction and problem statements. She said the Delta ISB team would bring a draft of their review to public meetings in July and August and submit their review to the Council.

Member Thomson made several comments: the Council should look more broadly at infrastructure and developing local water options; the Council should re-focus its efforts on wastewater and incentives to reuse, capture stormwater, desalination, and increase storage; and the Council should consider a comprehensive Delta Plan amendment rather than rushing forward with only the three elements.

Member Thomson also commented that the CSO amendment appears to be written with California WaterFix in mind, which would allow the Council to make a consistency determination for the WaterFix project. Member Thomson suggested adding “some or” before the word all on page 27, line 6. Vice Chair Tatayon suggested using “including but not limited to” instead because if “some” is used, a project proponent could say they meet almost all of the criteria but one, resulting in the project being able to go forward. Member Thomson agreed with Vice Chair Tatayon’s revision. Ms. Pane read the revised language and Chair Fiorini asked if it was agreeable to the Council. The Council agreed with the change.

Member Thomson said if the Council moved ahead without all the other Delta Plan amendments, which he doesn’t recommend, the CSO amendment should have a broader focus – especially in the conveyance section to allow for other conveyance projects, otherwise, the Council may need to amend the CSO section again if the WaterFix does not move forward. Member Thomson said there was not a downside to formulating a broader set of CSO amendments. He suggested the following: revise the amendment to focus on a vastly improved through-Delta option, which would require expanding the through-Delta conveyance section on page 30 to include the ability to promote through-Delta conveyance with a reconfigured Clifton Court Forebay; redesign potentially multiple intake locations and state-of-the-art fish screens and other elements; and revise the amendments to include a broader investigation of dual conveyance options that does not direct where intakes should be. He also said alternative criteria

should be broad enough so that other dual conveyance projects can be considered, and suggested revising the amendments to include a new focus on an array of projects that could provide new water and reduce reliance on the Delta.

Member Thomson suggested that the Council re-engage with the public for additional scoping before the CSO amendment is accepted because the Notice of Preparation dated March 16 specified new intakes in the North Delta, which was later removed.

Member Thomson also suggested that the Council consider the flows and operating criteria needed to restore and sustain the Delta ecosystem that is required in the 2009 Delta Reform Act. The Water Board prepared a 2010 Delta Flow Criteria report to inform development of Delta projects. He said until it is known how much water is needed to keep the Delta healthy and protected as an evolving place it will not be known how much water is available for export. He noted that the operations decision will impact exports, so new storage is needed south of the Delta. Once we have taken care of operations, the flows, and storage, we can then consider what conveyance improvements will work well and what won't. Otherwise, he said, proposed WaterFix dual-conveyance options could become a stranded asset if the north Delta intakes could not be used very often. Some or all of the north Delta intakes could be in the wrong place and any intakes might be better located in the western Delta. Member Thomson stated that the Council cannot decide on conveyance until it is known what flows are needed and what storage can be implemented and expressed concern about the effect of construction on the Delta and legacy communities, in particular.

Ms. Pearson thanked Member Thomson for his comments and noted that many of his suggestions have been incorporated into the current draft.

Following Member Thomson's comment, Chair Fiorini asked if there were any members of the public who wished to comment on this item.

#### Public Comment Item 5

The following members of the public spoke in opposition to the draft CSO amendment: Contra Costa County Supervisor Diane Burgis; Bill Martin; Adam Horn for Assemblyman Jim Frazier; Barbara Barrigan-Parrilla; Marjie Fries; Dave Stirling; Jim Hall; Linda Hall; James Motlow; Eugene Phillips; Russell Ooms; Frank Morgan; Nancy Van Meter; Joseph Rizzi; Fred Main; June Jardin; Bill Monroe Wells; Julian Canetu; Lucas Stuart-Chilcote; Michael Brodsky; Dan Bacher; Tom Zuckerman; Ray Qualk; Barbara Daly; Mark Lynn; Lou Erickson; Roger Thibault; Gary Prost, representing Congressman Jerry McNerney; Kara Stein; Douglas Hsia; Harry Thurston; Michael Frost; Wayne Reeves; Barbara Takei; Maximilene Ewalt; Katherine Borges; Pat Leiser; Ken Mah; and Dane McCoy

The following members of the public spoke in support to the draft SCO amendment: Stephen Arakawa; Jennifer Pierre; Charley Wilson; Susan Mulligan; David Pedersen; Sarah Wiltfong; Adam Borchard; Jeremy Smith; and Syrus Devers.

Following the public comment, Chair Fiorini asked for Council member discussion. Member Thomson suggested reopening the scoping to reengage the public and hold additional meetings. Member Thomson said he hoped that the Council would look more broadly at other options to achieve its goals.

Mr. Navasero clarified that the recommended action is not the formal adoption of an amendment to the Delta Plan, but rather approval as the basis for environmental review and direction to move forward in the process. There will be subsequent meetings for the public to provide input as well as a public process to comment on the Programmatic EIR, (PEIR which was previously described by Ms. Garber and is projected to be available later this year.

**Motion:** (Offered by Johnston, seconded by Damrell) to approve the amendment (Attachment 1) with the following revisions cited below as the project description for purposes of conducting environmental review and to delegate authority to the Executive Officer to: (1) correct any errors /typos and make other non-substantive clarifications in response to issues identified during the environmental review process; and (2) once environmental review is complete, to make necessary formatting changes to the proposed language in order to present it to the Council for consideration as an amendment to the Delta Plan, rather than in the stand-alone format that has been considering to date.

- Page 17, line 2, strike language that reads “still has the potential for impacts to” and replace with “will have impacts on” (Member Thomson)
- Page 27, line 6, strike “that includes all of” and replace with “including, but not limited to” (Members Thomson and Tatayon)
- Page 36, footnote 116, add the definition of WR P1 into the footnote. (Member Johnston)

Chair Fiorini asked if there was any further Council discussion before taking the vote.

Vice Chair Tatayon thanked Member Thomson for the revision suggested on page 27. She said WR P1 is a very powerful regulatory policy that addresses reducing reliance on the Delta and the proposed revisions makes this a solid draft to move forward for CEQA analysis.

Member Weinberg said he had the opportunity to visit the Delta. With his 30 years of experience with public works projects, the group of people that have come to the Council meetings have clearly shown a commitment and passion for their community and way of life. The Council has heard them and it is clear that they are opposed to the amendment and that they consider this to be a local project.

Member Weinberg said the amendment before the Council is a policy statement with recommendations. He acknowledged there is not an endless supply of water for Southern California and clarified some misconceptions. He said that many of the comments he has heard result from dated impressions and stereotypes of water use in Southern California. Since the early 1990s, San Diego County added about 800,000

people but is using less water today. The City of Los Angeles is using less water today than it used in the 1990s. Southern Californians are doing everything they can and spending billions of dollars on local supplies to reduce reliance on the Delta. Central Valley water use is about the people who work on the farms, jobs for people in disadvantaged communities, and the economy. The 1959 Burns-Porter Act created the State Water Project, millions of people rely upon this water to some degree, and the Council is legislatively mandated to achieve the coequal goals.

Member Damrell suggested voting on the amendment, noting that Water Code 106.3, states, "It is hereby declared to be the established policy of the State that every human being has the right to safe, clean, affordable, and accessible water, adequate for human consumption, cooking and sanitary purposes." He said the CSO amendment is not about the Delta, the Bay Area, or the Legislature; it's about the people of California.

**Vote:** (5/1: Damrell, Johnston, Fiorini, Weinberg, Tatayon in support/Thomson opposed) and the motion was adopted.

*The video showing this motion and vote can be found on the linked agenda at <http://cal-span.org/unipage/?site=cal-span&owner=DSC&date=2017-06-22> at 3:53:08 – 4:03:02*

At the conclusion of Agenda Item 5, the Council recessed for lunch at 1:30 a.m. and reconvened at 2:00 p.m.

## **6. Adoption of the May 25, 2017 Meeting Summary (Action Item)**

Chair Fiorini asked if there were any questions, suggestions, or comments from the Council or public regarding the May 25, 2017, meeting summary. There were none.

**Motion:** (Offered by Thomson, seconded by Johnston) to approve the May 25, 2017, meeting summary.

**Vote:** (4/0: Damrell, Johnston, Fiorini, Thomson) and the motion was adopted. Members Weinberg and Tatayon were out of the room at the time the vote was taken.

*The video showing this motion and vote can be found on the linked agenda at <http://cal-span.org/unipage/?site=cal-span&owner=DSC&date=2017-06-22> at 4:05:30.*

## **7. Chair's Report**

There was no Chair's Report provided at the meeting.

## **8. Executive Officer's Report**

Ms. Pearson began with Council personnel updates. Edmund Yu joined the Delta Science Program and filled the Delta ISB staff support position. Mr. Yu comes to the Council from the Department of Water Resources (DWR), where his most recent work focused on planning restoration and fish-passage improvement projects in the Yolo



Bypass. She also welcomed Andrew Tauriainen, who joined the Council as an Attorney IV. Mr. Tauriainen has been with the Water Board's Office of Enforcement since 2011, where he prosecuted water rights and water quality violation cases before the Water Board and the Regional Water Quality Control Boards.

#### **8a. Legal Update**

There was no Legal Update provided at the meeting.

#### **8b. Legislative Update**

There was no Legislative Update provided at the meeting. The Legislative Tracking report included in the members' binders is posted on the Council's website at <http://deltacouncil.ca.gov/docs/delta-stewardship-council-june-22-2017-meeting-agenda-item-8b-june-2017-legislative-report>.

#### **8c. Delta Levees Investment Strategy (DLIS): Memorandum of Understanding Update (Information Item) and Acceptance of Revisions to Draft DLIS Delta Plan Amendment/Proposed Project (Action Item)**

Ms. Pearson updated the Council on the status of a proposed Memorandum of Understanding (MOU) with DWR and the Central Valley Flood Protection Board (Flood Board). The staff report is posted on the Council's website at <http://deltacouncil.ca.gov/docs/delta-stewardship-council-june-22-2017-meeting-agenda-item-8c-delta-levees-investment-strategy>. Attachment 1, the DLIS MOU and Joint Implementation Plan is posted at <http://deltacouncil.ca.gov/docs/delta-stewardship-council-june-22-2017-meeting-agenda-item-8c-attachment-1-dlis-mou-and-joint>; Attachment 2, Current DLIS Amendment, Endorsed by the Council at its March 23, 2017 Meeting is posted at <http://deltacouncil.ca.gov/docs/delta-stewardship-council-june-22-2017-meeting-agenda-item-8c-attachment-2-current-dlis>; and Attachment 3, Proposed Revisions to Current DLIS Amendment (Action Item) is posted at <http://deltacouncil.ca.gov/docs/delta-stewardship-council-june-22-2017-meeting-agenda-item-8c-attachment-3-revisions-current>.

Ms. Pearson said the MOU is intended to establish a more formal working relationship to administer current plans and policies across the agencies, as well as to implement future levee-related amendments to the Delta Plan, including the proposed DLIS amendment. The Legislature directed the Council, in coordination with DWR and the Flood Board, to recommend priorities for State investment in Delta levees as both agencies have overlapping jurisdiction as it relates to recommending or approving funding for Delta levees. Ms. Pearson noted that, as a result of meetings with the Flood Board and DWR, the parties turned to the value of establishing an MOU to articulate roles and responsibilities and to better ensure that work is being done toward common goals for Delta levee investments, and to implement the Delta Plan and relevant parts of the Flood Plan.

Ms. Pearson said the MOU describes in some detail how the Council will work with DWR and the Flood Board and divide responsibilities regarding the collection and sharing of data; making and reviewing funding decisions; and coordinating and planning

various processes. It is expected that a detailed implementation effort will follow if the MOU is signed.

Ms. Pearson stated that she was not asking for approval to sign the MOU as the Council has delegated authority to her to do so, but was asking the Council to consider adding an element of flexibility to the levee investment strategy amendment.

With the support of the Chair and Vice Chair, Ms. Pearson asked for the Council's approval to revise the DLIS Delta Plan amendment (Attachment 3) endorsed by the Council at its March 2017 Council meeting. She said this revision provides flexibility by allowing the Council to begin implementation of the MOU with partner agencies and to receive any additional public comment on the topic as well as new information from CEQA analysis. After that, the Council would ultimately decide between a regulation or recommendation approach early next year when the entire Delta Plan package of amendments was ready for approval.

Ms. Pearson invited DWR acting director Bill Croyle and Cindy Messer, chief deputy director, to the panelist's table to discuss the MOU. Chair Fiorini made brief comments on the process that developed the MOU and asked if any Council members had questions or needed clarification.

Member Johnston asked Mr. Croyle and Ms. Messer how DWR plans to move forward with the MOU. Mr. Croyle noted that the MOU is important to the process and DWR is committed to the MOU strategy and working through the implementation plan.

Mr. Croyle said he wanted to highlight a couple of things that come into play for the process to be successful. DWR is continuing to realign levee efforts. As of July 1, all levee activities were being consolidated under the Division of Flood Management. Mr. Croyle said he thought this would help DWR to align better with the Flood Plan.

Ms. Messer said the idea behind the MOU and bringing the three entities together was the opportunity to streamline the various roles and responsibilities and the different plans for levee investments. She said this would give the agencies a chance to look at the resources and activities at any given time, such as strategic planning. Ms. Messer suggested coming to the Council once a year to discuss progress and identify any potential problems.

Member Johnston asked if a team had been identified at DWR to work on this. Ms. Messer responded that it had not. Member Johnston asked if Ms. Messer was going to oversee the team and she acknowledged she would be the executive sponsor. Member Johnston asked how DWR planned to fund the effort. Mr. Croyle responded that DWR had the existing resources to implement the plan.

Chair Fiorini asked if there were any questions regarding the Executive Officer's Report; there were none. Ms. Pearson restated the motion.

**Motion:** (Offered by Weinberg, seconded by Damrell) to approve the revisions to the DLIS amendment (Attachment 3) to be included as the proposed project in the environmental review of this and other proposed Delta Plan amendments. The Council-approved revision will be analyzed along with a reasonable range of alternatives in the PEIR that will be prepared for all of the currently proposed Delta Plan amendments. Approval of Attachment 3 must be contingent upon the Flood Board's approval of the MOU and associated joint implementation plan set forth in Attachment 1 without modification, at its June 23, 2017 Board Meeting. Final approval of the amendment, as well as other proposed Delta Plan amendments, will not be taken by the Council until the environmental review is complete.

Chair Fiorini asked if there were any questions, there were none.

**Vote:** (5/0: Damrell, Weinberg, Tatayon, Fiorini, Thomson) and the motion was adopted. Member Johnston was out of the room at the time the vote was taken.

*The video showing this motion and vote can be found on the linked agenda at <http://cal-span.org/unipage/?site=cal-span&owner=DSC&date=2017-06-22> at 4:27:26.*

Without objection, Agenda Item 10 was taken out of order and heard before the Lead Scientist's Report.

## **10. Acceptance of Draft Amendment of Delta Plan Revisions for Performance Measures (Action Item)**

Ms. Pearson invited Terri Gaines to present the draft Delta Plan amendment for Performance Measures. Ms. Gaines was joined by Ron Melcer of the planning division. The staff report for Agenda Item 10 is posted on the Council's website at <http://deltacouncil.ca.gov/docs/delta-stewardship-council-june-22-2017-meeting-agenda-item-10-acceptance-draft-amendment-delta>. Attachment 1, Proposed Performance Measures Amendment to the Delta Plan is posted on the Council's website at <http://deltacouncil.ca.gov/docs/delta-stewardship-council-june-22-2017-meeting-agenda-item-10-attachment-1-proposed-performance>; Attachment 2, Redline Version of Proposed Performance Measures Compared against February 2016 Adopted Version is posted at <http://deltacouncil.ca.gov/docs/delta-stewardship-council-june-22-2017-meeting-agenda-item-10-attachment-2-redline-version>, and Attachment 3, Highlights of Refinements to Specific Performance Measures is posted at <http://deltacouncil.ca.gov/docs/delta-stewardship-council-june-22-2017-meeting-agenda-item-10-attachment-3-highlights>. The Errata correcting the wording for PM 6.9 Toxicity is posted on the Council website at <http://deltacouncil.ca.gov/docs/delta-stewardship-council-june-22-2017-meeting-agenda-item-10-attachment-1and-2-errata-pm-69>.

Ms. Gaines said she was seeking Council approval of a draft Performance Measure refinement amendment to the Delta Plan. The draft will serve as the proposed project for analysis in a draft CEQA PEIR that will be prepared for this and other Delta Plan amendments. Ms. Gaines said staff has been working on the complex task of

developing and refining the outcome and output performance measures for several years.

In February 2016, the Council approved Appendix E of the Delta Plan. The draft incorporated input received from the Council during the March, April, and May 2017 meetings. Ms. Gaines noted that during the meetings, several inherent complexities were identified and the performance measures in the draft amendment had been refined to include targets that were quantifiable and date certain. To the extent possible, she said, the performance measures were refined to be responsive and reflect public comments. The refinements reflected the best available science. The purpose of the performance measures is to provide measurable indicators of progress of Delta Plan implementation, which is fundamental in determining the success of the Delta Plan in meeting the coequal goals.

Ms. Gaines noted that the current refinement process resulted in a decrease from 37 to 29 output and outcome performance measures; she briefly described the changes. Ms. Gaines also described refinements to several performance measures in Chapter 5 in response to stakeholder outreach. Since sending out the meeting materials, refinements were made to the toxicity Performance Measure 6.9 that were not included in Attachments 1 or 2 and are instead included in the errata. Following Ms. Gaines introductory remarks, the Council members were provided the opportunity for discussion and questions.

Vice Chair Tatayon said that, when reading the DLIS agenda item 8c, Attachment 2, pages 56 and 57, there were outcome performance measures and she wanted to confirm that they have been through the process Ms. Gaines described. Ms. Gaines confirmed that they had and should be exactly the same.

Member Thomson referred to Item 10, Attachment 1, page 17, Performance Measure 6.2, regarding salinity. The first targets address salinity and 99 percent compliance. Water management agencies are already required to meet salinity objectives 100 percent of the time. Why the difference? Mr. Melcer explained that space is being left to account for targets not always being met. Member Thomson also inquired as to why the metric for urban water quality is specified in terms of electrical conductivity but the Water Board uses chloride concentration. Dr. Dahm provided a brief explanation of the two measurements and the difference between them. Member Thomson asked if the Council could reconsider the issue. Chair Fiorini agreed but suggested Dr. Dahm provide an explanation differentiating sodium and chloride. Member Thomson recommended restating performance measures for urban drinking water in terms of chloride concentrations. Dr. Dahm said that one reason for using conductivity was that it could be measured continuously using a sensor and chloride cannot be measured continuously. Conductivity also gives a measurement of all salts in the water while chloride is only one salt.

Next, Chair Fiorini asked if there were any members of the public who wish to comment.

Public Comment – Item 10

Sam Safi, Regional San, expressed appreciation that most of their comments had been incorporated into the amendments and performance measures. Mr. Safi said a couple of suggestions remain regarding the proposed timeline, targets, and outcomes being consistent with statewide and regional efforts. For example, he said, Performance Measure 6.1 proposes a baseline using the 2010 Integrated Report, however, Regional San suggests that the Council consider using the most recent data from 2014-16 Integrated Report as a baseline it does not yet have final approval. Performance Measure 6.8 states "Meet the limits and targets identified by the Delta Nutrient Science and Reach Program by 2027." Although that's mostly accurate according to the programs own timeline, he said the earliest expected changes in the Delta water quality, resulting from the potential new requirements imposed by the Central Valley Regional Water Quality Control Board (Central Valley Regional Water Board) would be expected in the 2035-2040 timeframe. Mr. Safi said his comment also applies to Performance Measure 6.10.

Ms. Pearson clarified that in the latest draft, Performance Measure 6.8 uses 2034, not 2027.

Nancy Van Meter, resident of Pittsburg, expressed concern regarding a recent grant from the US EPA to the City of Pittsburg.

Following public comment, Member Thomson said that some of the performance measures apply to parts of the Delta Plan that are not being amended and asked when those parts would come back to be amended and if the performance measures would be revisited at that time as well. Ms. Pearson clarified that every time the Delta Plan is amended, the associated performance measures would also be revisited.

Ms. Gaines restated the motion.

**Motion:** (Offered by Thomson, Second by Tatayon) to approve Attachment 1 of the staff report with the attached errata for Performance Measure 6.9, as the project description for purposes of conducting environmental review. Delegate authority to the Executive Officer to: (1) correct any errors/typos and make other non-substantive clarifications in response to issues identified during the environmental review process; and (2) once the environmental review is complete, to make necessary formatting changes to the proposed language in order to present it to the Council for consideration as an amendment to the Delta Plan, rather than in the stand-alone format that has been considered to date.

Chair Fiorini asked if there was any further Council discussion. Member Weinberg said he realized there was a comment heard this morning from Jennifer Pierre with the State Water Contractors about the performance measure that looks at fall X2. We may be taking a more stringent approach than what is being discussed and asked staff why. Ms. Gaines responded that she believed that it left the performance measure open to be responsive to the Water Board's process.

**Vote:** (6/0: Johnston, Damrell, Weinberg, Tatayon, Fiorini, Thomson) and the motion was adopted.

*The video showing this motion and vote can be found on the linked agenda at <http://cal-span.org/unipage/?site=cal-span&owner=DSC&date=2017-06-22> at 4:31:29.*

## **9. Lead Scientists Report**

Dr. Cliff Dahm presented the Lead Scientist's Report, covering a number of collaborative and science communication activities. The staff report for Agenda Item 9 is posted on the Council's website at <http://deltacouncil.ca.gov/docs/delta-stewardship-council-june-22-2017-meeting-agenda-item-9-lead-scientists-report>.

Dr. Dahm said the California Natural Resources Agency had released a resiliency strategy for salmon and that he will report on it at next month's Council meeting. Dr. Dahm also said he would discuss the first year implementing the Delta Smelt Resiliency Strategy.

Dr. Dahm reported on the Drought Management and Science Synthesis Report under development to assess drought-related effects on the Delta. Dr. Dahm invited Yumiko Hennenberry to provide an update for the Council. The report will provide a concise synthesis of the most up-to-date scientific information associated with the outcomes of drought-related management decisions. The goal of the report is to develop a reference document for decision-makers to reflect on lessons learned from the drought. It also summarizes the science used to anticipate and determine the outcomes of management actions and provide insights into additional research and monitoring needs. The report is in an early stage of development and is anticipated to be completed in 2018. A progress report on the report's development will be presented to the Council in the fall of 2017.

Dr. Dahm summarized a journal article on Longfin smelt. The article, *Sampling Uncharted Waters: Examining Rearing Habitat of Larval Longfin Smelt (*Spirinchus thaleichthys*) in the Upper San Francisco Estuary*. The article is posted at <https://link.springer.com/article/10.1007/s12237-017-0255-9>.

Dr. Dahm summarized a poster from the 2016 Bay-Delta Science Conference, Lots of Data Without the Fishy Smell: Application of Acoustic Imaging to Evaluate Fish Behavior near Tidal Wetlands, and encouraged everyone to take a moment to look at it.

Dr. Dahm discussed an ongoing study, California Polytechnic State University Evapotranspiration Draft Report: 2015-2016 Delta Consumptive Use Comparison May 2017, spearheaded by Delta Watermaster Michael George and funded in part by the Council. Dr. Dahm said the Council would have a more in depth discussion when Mr. George addresses the Council at the July meeting. An interim report with preliminary results was issued in June 2016 and is posted at [https://watershed.ucdavis.edu/files/Consumptive\\_Use\\_2015\\_Season\\_Report\\_20160928\\_rev1.pdf#overlay-context=project/delta-et](https://watershed.ucdavis.edu/files/Consumptive_Use_2015_Season_Report_20160928_rev1.pdf#overlay-context=project/delta-et)

Dr. Dahm's final comments were on a summary paper from the current State of the Bay Delta Science, on Contaminant Effects on California Bay-Delta Species and Human Health.

At the conclusion of Dr. Dahm's report, he invited Catherine Courtier to present the *By the Numbers* that is posted on the Council's website at <http://deltacouncil.ca.gov/docs/delta-stewardship-council-june-22-2017-meeting-agenda-item-9-attachment-1-numbers-summary>.

At the conclusion of Dr. Dahm's report, Chair Fiorini asked if there were any questions or comments from the Council. Member Johnston requested more information on the contaminant issue and Dr. Dahm suggested that putting a panel together for the Council might be helpful.

Chair Fiorini asked if there were any members of the public who wished to speak.

#### Public Comment – Item 9

Katherine Borges, requested to comment on sport fishing. She began by noting that most fisherman were "pro fish" and understand that all fish are connected. Referring to the Lead Scientist's report, on page 2, second paragraph, where it reads, "Water diversions can be restricted to protect longfin smelt, making them a species of great economic importance..." Ms. Borges said that currently longfin smelt are not of great economic importance in sportfishing or human consumption. She also felt the four main questions answered in the research lacked the citation of data and requested the item be addressed at a future meeting in order for the public to comment on how longfin smelt are of great economic importance. Dr. Dahm responded that perhaps the sentence lacks clarity and that he would be happy to provide Ms. Borges with the paper and discuss it with her, as well.

#### **11. Public Comment**

Chair Fiorini asked if there were any members of the public who wished to comment. There were none.

#### **12. Preparation for Next Council Meeting – Discuss (a) expected agenda items; (b) new work assignments for staff; (c) requests of other agencies; (d) other requests from Council members; and (e) confirm next meeting date.**

**The meeting adjourned at 3:40 p.m.**